



Handwritten signature/initials

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: FISHER, et al.

Application no.: 09/625,048

Group Art Unit: 3624

Filed: July 25, 2000

Examiner: Narayanswamy Subramanian

For: SYSTEM AND METHOD FOR
VARIABLE ANNUITY CONTRACT
ADMINISTRATION

Attorney Docket No.: 84417.4001

DECLARATION OF CHARLES G. FISHER

Commissioner of Patents
P.O. Box 1450
Alexandria VA 22313-1450

RECEIVED
DEC 11 2003
GROUP 3600

Dear Sir:

I, Charles G. Fisher, hereby declare that:

1. I am a citizen of U.S.A. and reside at 192 Fox Meadow Road, Scarsdale, New York 10583.
2. I am a co-inventor in the present application, and have read and understand the application reference above, the claims as originally filed and presently pending, and the Office Action dated June 4, 2003.
3. For the past 18 years I have been an employee of The Guardian Life Insurance Company of America, ("Guardian"), which is a New York Corporation having a place of business at 7 Hanover Square, New York, New York 10004, and which is the Assignee of the present application.
4. My present title at Guardian is Vice President and Actuary, and I have held this position for approximately one year.
5. I have over thirty years of experience in the field of insurance.

6. Prior to July 25, 2000, I jointly invented with other members of Guardian's Equity Products department the annuity product of the present invention, which was sold by Guardian or its affiliates under the name "C+C Annuity" commencing on or about October 9, 2000. The C+C Annuity product is offered and administered in accordance with the present invention as defined for example by original claims 1 and 14 of the present application. A copy of an exemplary contract for the C+C Annuity product specifying the terms of the annuity policy was filed as an appendix to the present application in the U.S. Patent and Trademark Office.

7. To my knowledge and based on a search of SEC filings for annuity products offered in the industry, prior to the C+C Annuity product, there has never been a variable annuity product offered or administered having the combination of a bonus investment credit and a seller-compensation structure in which an asset-based compensation is paid, and furthermore such a variable annuity product having associated withdrawal charge percentages for a period of time, wherein each withdrawal charge percentage is less than or equal to said bonus investment credit percentage.

8. In addition, the present invention, as is defined for example by original claims 1 and 14, is counterintuitive to conventional teachings in this field of art. The conventional teaching for establishing a withdrawal charge in variable annuities is to structure the withdrawal charge to recoup any compensation paid to the seller of an annuity and also recoup any bonus investment credit with which the account value of the contract was benefited by the annuity issuer. These teachings thus direct annuity issuers to recover the entire expense incurred in disbursing the compensation and the bonus investment credit from the contractowner upon surrender of the annuity. The C+C Annuity product, and thus, the present invention, which includes both an asset-based compensation and a bonus investment credit, operates to the contrary of these conventional teachings by limiting the withdrawal charge so that it is less than or equal to the bonus investment credit.

9. I further declare that all statements made herein of my knowledge are true and all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Dated this 3rd day of December, 2003.

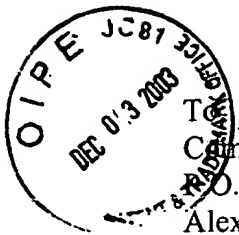
Declarant: Charles G. Fisher
Charles G. Fisher

STATE OF NEW YORK)
COUNTY OF SUFFOLK)ss.

On this 3rd day of December, 2003, before me, a Notary Public, personally appeared **Charles G. Fisher**, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

FRANK L. PEPE
Notary Public, State of New York
No. 3058695
Qualified in Suffolk County
Commission Expires November 30, 2005
My Commission Expires

Frank L. Pepe
Notary Public



EXPRESS MAIL LIST

To :
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The following items listed below are being filed herewith with the USPTO on December 3, 2003

Express Mail No. EV 346 810 144 US		
Attorney Docket No.	Appln. Serial No./ Patent No.	Items - Documents filed on December 3, 2003
84417-4001	09/625,048	Amendment; Petition For Extension of Time (in duplicate); Amendment Fee Transmittal Sheet (in duplicate); Declaration of Charles G. Fisher; and Transmittal of Amendment

Please acknowledge receipt of these items as received by returning the enclosed postcards with the date of receipt of December 3, 2003

NY:788260.61

RECEIVED
DEC 11 2003
GROUP 3600